



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,323	05/30/2001	Robert George Arsenault	PD-200211	7697

20991 7590 08/24/2006

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2623

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,323

Applicant(s)

ARSENAULT ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 4/20/06 have been fully considered and are persuasive.

However, upon further consideration, a new ground(s) of rejection is introduced as follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1- 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because limitation "...selected by a first control signal applied at the input" is unclear. The specification and drawing show that the first control signal and the first signal are two different signals applied at two different terminals. As understood, the first control signal is a signal that controls the multiswitch 336, and the first signal is the output of the multiswitch. Therefore, it is indefinite to recite the first signal and the first control signal applied at the same input terminal.

Claims 28-86 are rejected for the same reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 10-21, 23, 24, 28-30, 35-47, 48 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (US 7039937) in view of Duffield et al. (US 5461427).

Regarding claim 1, Glenn's figure 1A shows a Satellite system having first and second satellites and multiswitch 190 for selecting signals generated by the satellites. Figure 1A fails to show the detail of receiver 210. However, Duffield's figure 1 shows a receiver that capable of tuning both NTSC and HDTV signal. Therefore, it would have been obvious to one having ordinary skill in the art to use Duffield's receiver for Glenn's receiver 210 for the purpose of capable of tuning both HDTV and NTSC signals. Thus, the modified Glenn's figure 1A shows: a system for receiving continuous services (television services or programs), comprising: a first splitter (Duffield 's 110) having a first output and a slave output (more than one output) receiving a first signal (i.e., satellite television signal) at an input having a single polarization including a first service (NTSC) and a slaved service (HDTV), wherein the first signal is directed to the first output and the slaved output and selected by a first control signal (signal, not shown, that control the multiswitch 190), a first tuner (Duffield's 124) receiving the first output and tuning the first service; and a slaved tuner (Duffield's 122) receiving the slaved output and tuning the slaved service.

Regarding claim 2, the modified Glenn's figure 1A shows a service selectors (circuit that comprises Duffield's 160 and the not shown circuit that generates the multi switch control signal) for directing tuning of the first tuner and the slave tuner and for producing the first control signal.

Regarding claim 3, the modified Glenn's figure 1A shows that the first control signal is applied by the selector to the first splitter.

Regarding claim 5, the modified Glenn's figure 1A shows that the slaved service is selected from a plurality if slaved services.

Regarding claim 10, the modified Glenn's figure 1A shows that the system is integral to an integrated receiver/decoder (Duffield's figure 1).

Regarding claim 11, Duffield's figure 1 shows that the tuners are control by processor 160. It is inherent that processor 160 comprises a table providing a slaved frequency of the slaved service based upon the signal and polarization.

Regarding claim 12, it is inherent that the table is store in a memory (in 162,166 or CPU).

Regarding claim 13, Duffield does not specifically teach updating memory. Official Notice is taken that updating memory to obtain the newest information or data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Duffield by updating memory in order to obtain the newest information or data.

Regarding claim 14, Duffield does not specifically disclose that the memory is a flash memory. Official Notice is taken that flash memory comprises writable permanent memory storage memory elements is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by including a flash memory to store data permanently and efficiently.

Regarding claim 15, Duffield teaches providing channel information for the service or program to a user so that the system provides output signals to television set according to the requirements of the user (figure 4).

Regarding claim 16 Duffield teaches that the table is provided as information to user as the user inputs information (figure 4).

Regarding claims 17-19, Duffield does not specifically disclose dialup service. Official Notice is taken that a dialup data link for communication between a terminal device and service

Art Unit: 2623

provider for obtaining information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by using a dialup service to provide connection between a terminal device and service provider for obtaining information.

Regarding claims 20, 21 and 23, Duffield teaches that the tuned service is selected using an algorithm (inherent at least in CPU) and the algorithm is performed within the receiver system.

Regarding claims 24 and 27, Duffield teaches that the algorithm employs user preferences to determine the selected service (col. 4, lines 58-65).

Claims 28-30 and 35-47 recite similar limitations of claims above. Therefore, they are rejected for the same reasons.

Regarding claims 82 and 83, the modified Glenn's figure 6 shows that the slaved tuner tunes services that are determined by the first tuner.

6. Claims 25-27, 47-52 and 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (US 7039937) in view of Duffield et al. (US 5461427) and further in view of Khoo et al. (US 6,434,747 B1).

Regarding claims 25-27 and 47-52 the modified Glenn does not explicitly teach that the algorithm is performed outside the receiver system and the algorithm employs user preferences to determine the selected service. However, Khoo teaches that a user provides personalized data to server so that the server selects programs or services based on the personalized data. The personalized data comprises the personal profile of the user the television show preference of the user and the viewing habits of the user (see col. 4, lines 4, line 56 to col. 5, line 16, col. 6, lines 41-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Glenn by

Art Unit: 2623

providing personalized data to server for selecting programs or services based on the personalized data as taught by Khoo in order to allow the server effectively distribute the customized programs to user.

Regarding claim 73-76 and 86, Glenn's figure 1 further shows plurality of antennas receiving plurality of signals.

7. Claims 53, 55-57, 63, 65-67, 84 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (USP 7039937) in view of Duffield et al. (US 5461427) and Rajakananayake et al. (US 6810413).

The modified Glenn's figure 1 does not explicitly teach the system comprising one transmit station having an uplink antenna and one satellite receiving and retransmitting the signal to a downlink antenna. However, Rajakananayake et al. shows a system in figure 1 comprising one transmit station having an uplink antenna and one satellite for receiving and retransmitting the signal to a downlink antenna. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Glenn by including one transmit station having an uplink antenna and one satellite receiving and retransmitting the signal to a downlink antenna as taught Rajakananayake et al. in order to effectively provide programs to users via multiple satellite video distribution network.

8. Claims 58-62, 67-72 and 77-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn (US 7039937) in view of Duffield et al. (US 5461427) and Rajakananayake et al. (US 6810413) and further in view of Khoo et al. (US 6,434,747 B1).

The modified Glenn does not explicitly teach that the algorithm is performed outside the receiver system and the algorithm employs user preferences to determine the selected service. However, Khoo teaches that a user provides personalized data to server so that the server selects programs or services based on the personalized data. The personalized data comprises

Art Unit: 2623

the personal profile of the user the television show preference of the user and the viewing habits of the user (see col. 4, lines 4, line 56 to col. 5, line 16., col. 6, lines 41-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Glenn by providing personalized data to server for selecting programs or services based on the personalized data as taught by Khoo in order to allow the server effectively distribute the customized programs to user.

Allowable Subject Matter

9. Claims 4, 6-9, 31-34, 54, 64 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu
Primary Examiner
Art Unit 2623

August 21, 2006